

**KENTUCKY BOARD OF LICENSURE FOR MASSAGE THERAPY
BOARD MEETING
January 27, 2014**

A regular meeting for the Kentucky Board of Licensure for Massage Therapy was held at the Office of Occupations and Professions, located at 911 Leawood Drive, Frankfort, KY, January 27, 2014.

MEMBERS PRESENT

Tom Hansen, LMT, Chair
Cheryl Turner, ND, LMT, Vice Chair
Eric Byrd, LMT
Denise Logsdon, LMT, Secretary
Katherine Warner, LMT
Laurie Bond Horsford, Citizen-at-Large

MEMBERS ABSENT

Christie Robinson, Citizen-at-Large

OCCUPATIONS AND PROFESSIONS STAFF ,

Carolyn Benedict, Board Administrator
Debra Day, Administrative Section Supervisor

OFFICE OF THE ATTORNEY GENERAL

Michael West, Assistant Attorney General

OTHERS

Cyndi Thornburg Schnell, AMTA-KY L&L Chair
Michael Scanlon, Board Investigator

CALL TO ORDER

Mr. Hansen, Chair, called the regular business meeting to order at 10:22 a.m.

MINUTES

Ms. Warner made a motion to approve the minutes from December 30, 2013 with amendments. Ms. Turner seconded the motion. The motion carried unanimously

FINANCIAL STATEMENT

Ms. Turner made a motion to accept the financial statement as submitted. Ms. Logsdon seconded the motion. The motion carried unanimously.

Mr. Byrd made a motion to approve travel and per diem for the board representatives attending the spring, summer and fall AMTA conferences while conducting board business. Ms. Turner seconded the motion. The motion carried unanimously.

LICENSURE STATUS REPORT

Ms. Warner made a motion to accept the licensure status report. Ms. Turner seconded the motion. The motion carried unanimously.

ATTORNEY REPORT

Mr. West had Mr. Hansen sign the regulations for submission. The forms still need to be finalized before they can be filed. He also reported that he had prepared two cease and desist letters and had drafted a reply to the Kentucky Board of Licensure for Physical Therapy on behalf of the Board.

REPORT FROM O&P

The report from Gordon Slone, Executive Director of Occupations, was in the packet for review. Ms. Day also answered some questions with regard to the database project.

COMPLAINT COMMITTEE REPORT

Mr. Byrd made the following recommendations and report on behalf of the Complaint Committee:

2011-05 – Ongoing
2012-01 – Ongoing
2012-17 -- Closed
2013-01 – Ongoing
2013-03 – Ongoing
2013-08 – Ongoing
2013-11 – Ongoing
2013-14 – Ongoing
2013-15 – Ongoing
2013-16 -- Closed
2013-17 – Recommend for dismissal due to lack of evidence
2013-18 – Dismissed
2013-19 – Refer to investigator
2013-20 – Ongoing
2013-21 – Ongoing
2013-22 – Recommend for dismissal, and specific regulation citation in her dismissal letter
2013-23 – Ongoing

Ms. Horsford made a motion to accept the recommendation of the complaint committee. Ms. Warner seconded the motion. The motion carried unanimously. Ms. Logsdon recused herself from any discussion or vote related to 2013-18. Following the committee report, Mr. Scanlon, the Board's investigator, was excused from the meeting and left.

ELECTION OF BOARD OFFICERS FOR 2014

Mr. Hansen opened the floor for nominations for the position of Board chair. Ms. Warner nominated Ms. Logsdon and Mr. Byrd nominated himself. Each was given an opportunity to say why they would like to serve in that capacity. Ballots were cast and Ms. Logsdon was elected Board Chair for 2014.

Mr. Hansen asked for nominations for the position of Board vice-chair. Ms. Horsford nominated Ms. Warner. Ms. Turner nominated Mr. Byrd. Each was given an opportunity to say why they would like to serve in that capacity. Ballots were cast and Ms. Warner was elected Board Vice-Chair for 2014.

Ms. Turner volunteered to fill the position of Board Secretary for 2014.

OLD BUSINESS

Ms. Warner stated that the Policies and Procedures Manual was in its final format. She also expressed her appreciation to former Board Chair, Theresa Chrisler, for having laid the foundation for the project. Ms. Warner made a motion that the Board send a letter to Ms. Chrisler thanking her for her contribution. Ms. Logsdon seconded the motion. The motion carried unanimously. Mr. Byrd made a motion to consider the Policies and Procedure Manual complete. Ms. Turner seconded the motion. The motion carried.

The FAQ's are also in their final format and the hyperlinks have been added. Ms. Logsdon made a motion that they be placed on the Board's website. Ms. Turner seconded the motion. The motion carried.

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NEW BUSINESS

Correspondence from the Kentucky Board of Physical Therapy was reviewed. The letter was with regard to Equi-Librium Therapy, LLC who is advertising as providing equine and canine massage therapy. Ms. Warner made a motion to refer the letter to the complaint committee. Ms. Logsdon seconded the motion. The motion carried unanimously.

Correspondence from Christine Lewis was reviewed. Ms. Lewis was asking for an exception to the policy or waiver of requirements when a license has been expired for more than 90 days. Discussion was tabled until the February meeting so additional information could be gathered.

The current contract for investigative services for MT expired June 30, 2014. Because the current contract can't be renewed since it crosses the biennium of fiscal years the RFP needed to be re-issued. Mr. Byrd made a motion the RFP be reissued. Ms. Turner seconded the motion. The motion carried unanimously.

Email correspondence regarding different states' processes for evaluating fraudulent transcripts was reviewed. Mr. West had drafted a response which was also reviewed. Following review and discussion Ms. Turner made a motion the response be mailed. Mr. Byrd seconded the motion. The motion carried unanimously.

FARB REPORT

Mr. Byrd submitted the following report from his attendance at the Federation of Associations of Regulatory Board Conference he attended as a representative from Kentucky.

Report for Federation of Associations of Regulatory Boards Conference

The conference was held on January 24th through January 26th, 2014 in Austin, Texas
Kentucky participant was KBLMT board member Eric Byrd, LMT.

Highlights from the meeting are as follows:

- ❖ General overview of FARB and its basic activities
 - Mission is to:
 - Build Laws to protect the community at large
 - Build laws that are just right (no more or less)
 - Keep the "unwanted" industry specific individual from harming the community
 - PITS – perverts, idiots, and thieves
- ❖ Speaker discussed the financial basis for FARB as 501(3)(C) non-profit organization
 - Again emphasis was on "protecting the public"
- ❖ FARBs new Facebook → www.facebook.com/FARB.org
 - New on-line "find an individual" to see if the practitioner is licensed.
 - Not all industries have been uploaded yet but currently working on getting everyone on line
- ❖ They talked about different types of Regulatory Board Structures and then had a person from each type talk about the pros and cons
 - Departmentalized Boards (Umbrella Type)
 - Stand-Alone Agency/Board (More Autonomous)

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- Composite Structure Board
- ❖ Board Self-Evaluation Tools
 - Initial Evaluation & Licensing (speed & Accuracy)
 - Continuing Comp & Compliance (CE's) average of group 2-10% audit/year
 - Board Operation (ex: timeliness of Action for complaints)
 - Enforcement (not only investigators but inspectors) both paid by their respective Boards
 - Legislation & Rules
 - Relationships – Other Boards, Legislators, Practitioner's Associations, Legal counselors
 - Best Practice vs results
 - "What we do and how we do it" {this could be actions done by the Board or a piece(s) of information that is gathered by the Board for A PURPOSE.
 - "Practice" to "Produce"
 - ◆ Is it specific
 - ◆ Is it measureable
 - ◆ Is it Valid
 - ◆ Is it reliable
 - "If you don't measure your activity (the Boards)... then you cannot manage yourself properly"
 - National Associations → help the Boards to measure and check on the value or way of showing improvement → it's done for the public's understanding of the Board's effectiveness
 - Peer Review
 - Board "A" reviews Board "B" activities
 - High level of trust
 - Highly subjective
 - Balance Score Card
 - Performance perspective
 - ◆ Financials, work output, vision & strategy vs actual results
 - 360 Evaluation
 - 3rd party evaluation
 - non-bias states fact finding → both good and bad
 - willingness to change when problems or opportunities are pointed out in reports
 - ◆ Big Board Dominance
 - ◆ Status Quo
 - ◆ We've always done it this way in the past
 - ◆ Fear of comparison (and potential enforcement) to match other similar Boards
- ❖ Continuing "Education" versus Continuing "Competence" as a means of practitioner improvement.
- ❖ Discussion on a series of topics and how each state's regulatory Boards may or may not be set up (regulations and statutes) for addressing issues that are part of the topics discussed.
 - Do you have administrative authority over unlicensed people or just licensed people
 - Is there a grace period between non-renewable status and then granting a renewed license?
 - Do we have the ability to put a licensee on probationary period due to a finding that a licensee may be guilty of a misdemeanor?
 - What are the limits or attempts on taking the National Board exam? Is there a time delay between examination attempts or after "X" amount of failed attempts before trying again? How many attempts in attempting to take the exam are acceptable to the Board or are there no limits?
 - Is there a clearly defined understanding or description between "Expired" and "Revoked" on your web page or statutes/regs?
 - Is there a time period from receipt to closure for complaints?

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- Does the Board have a clearly defined Mission Statement so as the law can support the Board's stand on "Protecting the Public"?
- The BOARDS ARE NOT SELF REGULATORS.... THEY ARE REGULATORS TO ENSURE PUBLIC PROTECTION
 - "Do you have wording in your statutes/regs that "clearly articulate and state publicly" how the Board distinguishes between those that can and cannot be licensed
 - Is there wording that states that the Boards are not independent but a Board of the State and Let the Associations talk like "Practitioners".

APPLICATION COMMITTEE REPORT

The Application Committee met on January 22, 2014 at the Office of Occupations and Professions 911 Leawood Drive, Frankfort Kentucky. Mr. Hansen and Ms. Warner were present with no interviews. On behalf of the Committee Ms. Warner made the following recommendation:

Renewals (43)

Approved (34): *Kelly Allen, Jennifer Ashley, Emily Baskin, Mary Baute, Angela Beckner, Elizabeth Binford, Becky Black, Vincent Bolone III, Lillian Brown, Tim Castle, Elizabeth Cooper, Sadie Dunne, Angela Espana, Silicia Evans, Fancie Ferguson, Peggy Fields, Paul Hall, Jennifer Hansrote, Mary Haynes, Debra Jolly, Julianne Kerber, Karen Keys, Amy Litteral, Cameron Macey, Andrea Manias, Casey McClain, Kathy Miller, Shelby Palmer, Virginia Stephens, Megan Sutton, Elizabeth Tate, Ashley Uhls, LaTisha Wheeler, Raiden Wilkerson*

Deferred (1): *Hong Liu*

Approved Pending (7): *Kihra Ayres, Megan Bellamy, Sharon Davenport, Yvonne Forest, Aimee Osborne, Peter Rota, Emily Sundberg*

Preliminary Determination of Denial (1): *Rose Craynon*

Endorsements (4)

Approved (3): *Irene Cooney, Kaycee Hendrix, Stephanie Oliver*

Deferred (1): *Haveliah Stark*

Initial Applications (15)

Approved (14): *Erica Armstrong, Mary Bishop, Robin Brady, Christopher Byrd, Sara Cestaric, Madelyn Cramer, Xiaoli Cui, Corey Frary, Kimberly Green, Teewana Hodges-Richardson, Kevin Johnson, Jezebel Powers, Candice Tipton, Jason Watts*

Deferred (1): *Yuzhen Zhang*

Mr. Byrd made a motion to accept the recommendation of the application committee. Ms. Turner seconded the motion. The motion carried unanimously.

Ms. Benedict was reminded to begin auditing 15% of licensee renewals each month.

TRAVEL AND PER DIEM

Ms. Turner made a motion that all board members in attendance be reimbursed travel and per diem for attending the meeting and retreat. Mr. Byrd seconded the motion. The motion carried unanimously.

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NEXT MEETING

The next Application Committee is scheduled to meet at 9:00 a.m. on February 19, 2014. The January board meeting is scheduled for Monday, February 24, 2014 at 10:00 a.m. Complaint Committee will begin at 9:00 a.m.

ADJOURNMENT

Having no further business brought before the Board Mr. Hansen adjourned the meeting at 12:22 p.m.

Approved

February 24, 2014